

PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/077,669
Filing Date	02/15/2002
First Named Inventor	Yann Limalena
Art Unit	2876
Examiner Name	Walsh, Daniel I
Attorney Docket Number	75.0715

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114.** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (PRELIMINARY AMENDMENT) ii. ☐ Information Disclosure Statement (IDS)
- iii. ☐ Affidavit(s)/Declaration(s) iv. ☒ Other Petition to Revoke

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.170 required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to:

- a. ☒ Deposit Account No. 502 114
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.135 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Pehr Jansson	Registration No. (Attorney/Agent)	35,759
Signature	<i>Pehr Jansson</i>	Date	MARCH 19, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Pehr Jansson, Reg. No. 35,759
Signature	<i>Pehr Jansson</i>
Date	MARCH 19, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10/077,669

PATENT

Statement Establishing Unintentional Delay.

Appl. No. : 10/077,669
Applicant : Yann Limelette, et. al
Filed : 02/15/2002
TC/AU : 2876
Examiner : Daniel Walsh
Docket No. : 76.0715
Customer No. : 000041754

Conf. No. : 3000

Art. Unit : 2876

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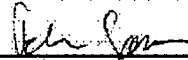
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PEHR JANSSON

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**Statement Establishing Unintentional Delay**

Sir:

Applicants' undersigned representative first became aware of the present case on March 17, 2004 by e-mail correspondence from Applicants' European agent (Mr. Franck Gabriel). Mr. Gabriel requested that the undersigned file a continuation application in this case. Upon review of the materials provided by the European agent, the undersigned noticed that the six-months period for reply appeared to have expired. The undersigned inquired with a docketing clerk (Mrs. Mary Thompson) employed by Applicants' U.S. affiliate company as what the company patent docketing system revealed as to due dates. Mrs. Thompson informed the undersigned that a due date of March 30th had been assigned for response to the present office action. On a scanned copy of the Advisory

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PATENT

Statement Establishing Unintentional Delay

Action issued by the Examiner on December 30th, 2003 and provided to the undersigned by Mr. Gabriel (the European agent), the undersigned has noticed that someone has scribbled faintly (perhaps in pencil) "30-3 2004" and has circled the words "3 months" in the phrase "The period of reply expires three months from the mailing date of the final rejection". Applicants posit that the mistaken docketing of the due date for response and these scribbles indicate a misunderstanding by the person making the docket entry as to from which date the three months period for response starts running.

Naturally, on these facts, Mr. Gabriel could reasonably have thought that the continuation would have been timely if filed before March 30th, 2003. Accordingly, Applicants respectfully submit that the foregoing establishes that the delay beyond the period for response was unintentional.

Respectfully submitted,



3/19/2004

Pehr Jansson, Reg. No. 35,759
Attorney for Applicants

Pehr Jansson
7628 Parkview Circle
Austin, TX 78731

512 241 0837
pehr@pehrjansson.com